

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 STEVE KASSAB,

12 Plaintiff,

13 vs.

14 SAN DIEGO POLICE DEPARTMENT, a
municipal corporation, et al.,

15 Defendants.

CASE NO. 07cv1071 WQH (WMc)

ORDER

16 HAYES, Judge:

17 On December 26, 2007, Attorney John G. Nowakowski filed a Motion to Withdraw as
18 Counsel of Record for Plaintiff Steve Kassab. (Doc. # 33). John G. Nowakowski declares that he
19 moves to withdraw because “good grounds for withdrawal exists under one of [sic] more of the
20 grounds specified in both the California Code of Professional Responsibility and the American Bar
21 Association Model Rules of Professional Conduct.” *Mot. to Withdraw*, p. 2.

22 Defendants do not oppose the Motion to Withdraw as Counsel.

23 An attorney may not withdraw as counsel except by leave of court. *Darby v. City of*
24 *Torrance*, 810 F.Supp. 275, 276 (C.D. Cal. 1992). “The decision to grant or deny counsel’s
25 motion to withdraw is committed to the discretion of the trial court.” *Irwin v. Mascott*, 2004 U.S.
26 Dist. LEXIS 28264 (N.D. Cal. December 1, 2004), *citing Washington v. Sherwin Real Estate, Inc.*,
27 694 F.2d 1081, 1087 (7th Cir. 1982). Among other things, courts ruling upon motions to withdraw
28 as counsel have considered,

1 (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to
2 other litigants; (3) the harm withdrawal might cause to the administration of justice;
and (4) the degree to which withdrawal will delay the resolution of the case.

3 *Irwin*, 2004 U.S. Dist. LEXIS 28264 at 4.

4 After reviewing the record and the reasons for withdrawal noted by Attorney John G.
5 Nowakowski, the Court concludes that there is good cause to grant John G. Nowakowski's Motion
6 to Withdraw as Counsel. The Court further concludes that the withdrawal will not prejudice
7 justice or unduly delay resolution of the case.

8 IT IS HEREBY ORDERED that the Motion to Withdraw as Counsel of Record (Doc. #
9 33), filed by John G. Nowakowski, is **GRANTED**.

10 IT IS FURTHER ORDERED that Plaintiff has until Friday, February 29, 2008 to obtain
11 new counsel. If Plaintiff does not respond to this Order by Friday, February 29, 2008, the Court
12 will deem Plaintiff as proceeding pro se.

13 The Court directs the Clerk of the Court to serve Plaintiff Steve Kassab with a copy of this
14 Order by mail at the following address:

15 4101 Market Street
16 San Diego, CA 92102

17 DATED: January 29, 2008

18 
19 **WILLIAM Q. HAYES**
20 United States District Judge
21
22
23
24
25
26
27
28